

Fiscal Estimate Narratives

DOC 10/29/2013

LRB Number	13-2250/1	Introduction Number	AB-0465	Estimate Type	Original
Description Causing harm to a child by cosleeping while intoxicated, providing information about cosleeping while intoxicated, and providing a penalty					

Assumptions Used in Arriving at Fiscal Estimate

Under this bill, no person may injure or kill a child under 12 months of age by cosleeping, while the person is intoxicated, with the child. If the child suffers bodily harm as a consequence, the person is guilty of a Class H felony. If the child suffers great bodily harm as a consequence, the person is guilty of a Class F felony. If the child dies as a consequence, the person is guilty of a Class D felony. This is a newly created felony in Wisconsin and is not considered an enhancement to current penalties.

The bill requires the Child Abuse and Neglect Prevention Board to prepare printed and audiovisual materials relating to cosleeping while intoxicated. These materials would then be required to be distributed the parents and any organization involved in the infant's care would be immune from liability resulting from any good faith act or omission in connection with providing training or the materials.

Because this bill creates a new felony, it is not possible to estimate the number of individuals that would be convicted of these crimes. Any increase in prison population either through new admissions or longer sentences, will have a financial impact on the Department of Corrections.

The average FY12 annual cost for an inmate in a DOC institution is approximately \$33,200. However, when there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care and clothing) of housing a small number of inmates is approximately \$5,000 based on FY12 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person.

Local county jails could see an increase in costs if offenders are sentenced to a county jail or if the number of days the offender would be placed in the jail is increased as a condition of probation for these offenses.

Long-Range Fiscal Implications